



Judicial Council of Georgia

2009 Enacted Legislation

Prepared by the Governmental Affairs Division of the Administrative Office of the Courts

BUDGET

HB 118 FY 09 Amended Appropriations

HIGHLIGHTS

- Provided for a budget reduction to all agencies
- Deferred the January 1, 2009, state employees' salary increase
- Reduced funding for operating expenses
- Reflects allocation of telecommunication expenses resulting from the GAIT Outsourcing Project
- Reduced the State Health Benefit Plan employer contribution rate from 22.165% to 1.926%, effective February 1, 2009, and to 0%, effective March 1, 2009
- Reduced funding for the Judicial Data Exchange (JDX) project appropriated in FY 2009 **\$1,352,702**
- Provided \$60,000 to Superior Court Judges for an emergency judge replacement in the Piedmont Circuit
- Provided \$60,000 to Superior Court Judges for additional travel based on mileage increases
- Reduced computer charges for Court of Appeals, by delaying the e-filing initiative to allow court documents to be filed electronically by **\$45,329**

- Freezes funding appropriated to Court of Appeals in FY 2009 to replace the court's docket system to provide simultaneous access through electronic case files in the amount of **\$147,900**
- Freezes Court of Appeals summer internship pay in the amount of **\$55,300**

Effective Date: April 13, 2009

Signed by the Governor on
3/13/2009

HB 119 FY 10 Appropriations

HIGHLIGHTS

Common Changes

- Defers the FY09 cost of living adjustment.
- Reduces merit system assessments from **\$147** to **\$137** per position
- Reduction in funds to reflect the revised revenue estimate

Supreme Court

- Reduces funds by eliminating five positions, the summer internship program and from operations by **\$511,634**
- Reduces funds from the February 2010 bar exam based on revised application fees by **\$138,509**

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BUDGET cont.

- Reduces one-time funds received in HB990 (FY09) to create a disaster recovery co-location site and provide equipment upgrades by **\$71,050**

Court of Appeals

- Reduces funds by eliminating nine filled support positions, not filling a vacant attorney position, and temporarily suspending the summer internship program by **\$615,362**
- Reduces funds by delaying the printing of court rules, microfilm services, and equipment replacements by **\$193,311**
- Reduces funds from the Westlaw contract and temporarily suspend online legal subscription services by **\$42,000**
- Reduces funds received in HB990 (FY09) to upgrade the court's docket system by **\$147,900**

Superior Courts

- Increases funds for costs associated with the creation of three new judgeships for the Alcovy, Atlanta and Brunswick Judicial Circuits effective July 1, 2009 in the amount of \$854,126; removes funds for law assistants
- Restores the \$3,610,086 eliminated pass-thru funds for employer contributions

for county-paid judges and staff and for the Superior Court Judges Emeritus Retirement

- Increases and restores funds removed in HB990 (FY09) in the amount of \$101,000 due to the revenue estimate change
- Increases funds for judges' travel and reflect increases in the mileage reimbursement rates and other travel in the amount of \$60,000
- Reduce funds for Senior Judge usage in the amount of **\$1,797,909**
- Partially restores funding received in HB990 (FY09) for the Judicial Data Exchange (JDX) project in the amount of \$500,000

Juvenile Courts

- Reduces funds from the purchase of services for the Juvenile Offenders Program that reimburses county governments for community-based services that provide alternatives to institutional treatment in the amount of **\$98,700**

Judicial Council

- Reduces funds and the use of temporary professional employees to help with seasonal projects such as the annual report and trainings for the Georgia Office of Dispute Resolution in the amount of **\$45,406**

- Reduces additional funds to the Georgia Office of Dispute Resolution in the amount of **\$73,204**, to work towards self-sufficiency through the design of a fee strategy
- Reduces ICJE funds by freezing the vacant program support position for court administrative personnel training and funds received in HB990 (FY09) to conduct a court administrators professional certification program in the amount of **\$77,296**
- Reduces ICJE funds by instituting a moratorium on financial aid for nationally based educational travel in the amount of **\$10,000**
- Reduces ICJE funds by cancelling the 2009 Annual Conference for law clerks in the amount of **\$15,000**
- Reduces ICJE funds by eliminating the design and delivery of the 2009 Leadership Academy in the amount of **\$12,514**
- Reduces ICJE funds by suspending the annual assessment fee for FY10 in the amount of **\$50,000**

BUDGET cont.

- Reduces ICJE funds received in HB990 (FY09) for magistrate court judicial educational products and services in the amount of **\$80,000**. The remaining funds are to be used for magistrate judicial training and materials only
- Reduces funds from the Administrative Office of the Courts (AOC) by eliminating the contract for maintenance of the SUSTAIN Case Management software system in the amount of **\$250,000**
- Reduce funds from the Council of State Court Judges (**\$15,932**), Council of Probate Court Judges (**\$4,687**), Council of Municipal Court Judges (**\$1,140**), Council of Magistrate Court Judges (**\$11,935**), and Council of Court Administrators (**\$286**)
- Reduces funds and the amount of grants to be awarded to local drug courts in the amount of **\$439,139**
- Reduces funds from the Child Support Guidelines Commission in the amount of **\$6,324**, by suspending all travel, printing, and publications for laminated bench cards and child support calculator worksheet guides, and meetings
- Reduces funds from the County and Municipal Probation Advisory Council in the amount of **\$17,068** by eliminating the reimbursements for member expenses and suspending registrations for conferences
- Reduces funds and the grants awarded for civil legal services to Victims of Domestic Violence in the amount of **\$128,078**
- Reduces funds from the Committee on Access and Fairness by **\$35,000**
- Eliminates funds from the Georgia Law School Consortium in the amount of **\$176,416**
- Reduces funds from the Georgia Courts Automation Commission in the amount of **\$250,000**, by reducing the number of facilitated sessions for the Strategic IT and Business Plans, the Common Judicial Data Dictionary project, and the National Information Exchange Model Mapping program
- Reduce one-time funds received in HB990 (FY09) for the 2009 National Mock Trial Competition in the amount of **\$10,000**

Effective Date: July 1, 2009

Signed by the Governor on
5/13/2009

To view a full budget report
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legis/2009_10/senate/
budgetreports.htm](http://www.legis.ga.gov/legis/2009_10/senate/budgetreports.htm)

CIVIL

SB 141 Property; foreclosures and deficiency judgments; change provisions

SB 141 requires that within 90 days of a mortgage foreclosure sale, all deeds under power be recorded by the holder of the deed with the clerk of the superior court of the county or counties in which the foreclosed property is located.

Effective Date: July 1, 2009

Signed by the Governor on
5/4/2009

SB 213 Torts; specify manufacturer liability in certain cases

SB 213 amends Code Section 51-1-11, relating to when privity is required to support an action, product liability actions, and time limitation. The manufacturer of a product that is alleged to be defective shall not be held liable solely based on market share enterprise liability or other theories.

Effective Date: May 4, 2009

Signed by the Governor on
5/4/2009

CIVIL cont.

SB 240 County Boards of Tax Assessors; comprehensive revision of the appeal of assessments for ad valorem tax purposes

SB 240 amends Part 2 of Article 5 of Chapter 5 of Title 48 of the O.C.G.A., relating to county boards of tax assessors; it revises the arbitration procedures relative to the appeal of assessments for ad valorem tax purposes. The county board of tax assessors shall certify to the clerk of the superior court the notice of arbitration and any other papers specified by the person seeking arbitration. Within 15 days of the filing to the clerk of the superior court, the judge shall issue an order authorizing the arbitration and appointing a referee. Within 30 days of the date of the hearing, the arbitrator shall render a decision regarding the value of the property subject to arbitration.

The taxpayer or the county board of tax assessors may appeal decisions of the arbitrator. The appeal shall be heard before a jury at the first term following the filing of the appeal unless continued by the court upon a showing of good cause. If only questions of law are presented in the appeal, the appeal shall be heard as soon as practicable before the court sitting without a jury. Each hearing before the court sitting without a jury shall be held within 30 days following the date on which the appeal is

filed with the clerk of the superior court.

Effective Date: April 29, 2009
Sections 1 and 2 of this Act shall be applicable to all property tax appeals submitted to arbitration or appealed to superior court on or after that date.

Signed by the Governor on 4/29/2009

HB 29 Service and filing pleadings; electronic service

HB 29 amends Code Section 9-11-5 of the O.C.G.A., relating to commencement of action and service. It provides for electronic service of pleadings subsequent to the original compliant. This bill defines the term "delivery of a copy" to also mean transmitting a copy via electronic mail in portable document (PDF) to the person to be served using all electronic mail addresses provided and showing in the subject line of the electronic mail message the words "STATUTORY ELECTRONIC SERVICE" in capital letters. A party may rescind their election to be served with pleadings electronically by filing and serving a notice of rescission.

In addition, HB 29 amends Article 3 of Chapter 11 of Title 9 of the O.C.G.A., relating to pleadings and motions under the "Georgia Civil Practice Act." If a party files a motion to dismiss, discovery shall be stayed for 90 days or until the trial court rules on the motion, whichever is sooner. Upon a showing of good

cause, a court may grant a motion for expedited discovery while the motion to dismiss is pending. Good cause may include, but is not limited to, discovery needed because a witness will be unavailable during the discovery period or because a party is seeking an interlocutory injunction.

Effective Date: April 22, 2009 and shall apply to motions to dismiss filed after July 1, 2009.

Signed by the Governor on 4/22/2009



CIVIL cont.

HB 141 Financial institutions; update definitions; provisions

HB 141 amends Chapter 1 of Title 7 of the O.C.G.A., relating to financial institutions. It provides that in case of refusal to obey a subpoena issued under this article, a superior court may issue to the person an order requiring him or her to appear before the court to show cause why he or she should not be held in contempt for refusal to obey the subpoena. Failure to obey a subpoena may be punished as contempt by the court. Further more, this bill states that any person, firm, partnership, business, association or corporation to willfully and knowingly accept or use an individual taxpayer identification number issued by the IRS for fraudulent purposes, is in violation of federal law.

Effective Date: July 1, 2009

Signed by the Governor on 4/22/2009

HB 145 Child Support; revise a definition; correct cross-references

HB 145 amends and provides clean up to parts of Code Section 19-6-15. Relating to the low-income deviation at subsection (i)(2)(B), it amends the calculation of child support by giving a judge greater discretion when allowing this deviation. HB 145 removes the

income requirement and the formula provided in the statute and allows more emphasis on other income factors of the case. Additionally, for the purpose of providing a low income deviation, it provides minimum child support amounts. The bill also provides in paragraph (4) of subsection (c) that Schedule E shall be attached to the final order, if any deviations are included in the worksheet. The bill further amends the definition of "parenting time deviation" to clarify that it is a deviation, and adds life insurance to the list of deviations in subsection (b)(8) (D) to correct where previously it was inadvertently left off the list.

Effective Date: September 1, 2009

Signed by the Governor on 4/22/2009

HB 173 Illegal or void contracts; partial restraint of trade; repeal

HB 173 amends Chapter 8 of Title 13 of the O.C.G.A., relating to illegal or void contracts. It provides for the judicial enforcement of contracts that restrict or prohibit competition in certain commercial agreements. HB 173 allows for a court to "blue pencil" contracts by deleting certain lines that are incorrect, and provides for judges to consider economic hardship if agreement is enforced.

Effective Date: This Act shall not

become effective until a resolution amending the Constitution of Georgia in regards to enforcement of covenants in commercial contract that limit competition is adopted by the General Assembly in the 2010 Legislative Session and ratified by the voters in the 2010 general election.

Signed by the Governor on 4/29/2009

HB 308 Georgia Limited Liability Company Act; certain technical corrections; clarify provisions

HB 308 amends Chapter 11 of Title 14 of the O.C.G.A., relating to limited liability companies, so as to amend the "Georgia Limited Liability Company Act". HB 308 further explains provisions governing the operating agreement of a limited liability company and its binding effect. A judgment creditor shall have no right under this chapter or any other state law to interfere with the management or force dissolution of a limited liability company or seek an order of the court requiring a foreclosure sale of the limited liability company interest.

Effective Date: July 1, 2009

Signed by the Governor on 4/21/2009

CIVIL cont.

HB 388 The Option of Adoption Act; enact

HB 388 amends Chapter 8 of Title 19 of the O.C.G.A., relating to adoption, so as to enact the "Option of Adoption Act. The bill expands the definition of embryo to mean an individual fertilized ovum of the human species from the single-cell stage to eight-week development. HB 388 allows the legal embryo custodian to relinquish all rights and responsibilities for the embryo to a recipient intended parent prior to embryo transfer. If the legal embryo custodian chooses to relinquish all rights, a written contract shall be entered into between each legal embryo custodian and each recipient intended parent, prior to embryo transfer. The bill further states that prior to or following the birth of a child, a recipient intended parent may petition the superior court for an expedited order of adoption or parentage. The court shall give effect to any written waiver of notice and service in the legal proceedings for adoption or parentage. The order terminates any future parental rights and responsibilities of any past or present legal embryo custodian or gamete donor in a child which results from the embryo transfer and vests all rights and responsibilities in the recipient intended parent.

Effective Date: July 1, 2009

Signed by the Governor on 5/5/2009

HB 444 Revenue and taxation; certain tax return preparers; civil penalties and injunctive relief; provide

HB 444 provides for civil penalties and injunctive relief regarding certain tax return preparers. A civil action in the name of the State of Georgia may be commenced at the request of the commissioner to enjoin any tax return preparer, or employer having knowledge of an employee tax return preparer, who is doing business in this state and engaging in misconduct. This action may be brought by the department in the superior court of the county of the tax return preparer's residence or principal place of business or in which the taxpayer for whose tax return the action is brought resides. The court may exercise its jurisdiction over the action separate and apart from any other action brought by the State of Georgia against the tax return preparer or any taxpayer.

Effective Date: May 4, 2009

Signed by the Governor on 5/4/2009

CRIMINAL

SB 13 Crimes; provide the imposition of life without parole; person convicted of murder independently of a death penalty prosecution

SB 13 amends Code section 16-5-1 of the O.C.G.A. relating to murder and felony murder and sentencing and punishment. This bill provides for the imposition of life without parole of persons convicted of murder independently of a death penalty prosecution. A person may be sentenced to life without parole without the prosecutor seeking the death penalty. The provisions of this act shall only apply to those offenses committed after the effective date. With express written consent of the state, an accused whose offense was committed prior to the effective date of this act may elect in writing to be sentenced under the provisions of this act provided that jeopardy for the offense charged or the accused has been sentenced to death but the conviction of the sentence has been reversed on appeal and the state is not barred from seeking prosecution after the remand.

Effective Date: April 29, 2009, and shall apply to all crimes committed on and after July 1, 2009. The law as set forth in Section 2 and in Sections 3 through 7 as it existed prior to the effective date of this Act shall apply to all offenses committed on and before the date.

Signed by the Governor on 4/29/2009

CRIMINAL cont.

SB 24 Probation Management Act; probationers; provide comprehensive provisions

SB 24 amends Chapter 8 of Title 42 of the O.C.G.A., relating to probation, by adding a new Article 9. This article is known as the 'Probation Management Act'. The trial judge may require that defendants who are sentenced to probation be ordered to the sentencing options system. Where a defendant has been ordered to the sentencing options system, the court shall retain jurisdiction throughout the period of the probated sentence and may modify or revoke any part of a probated sentence. The Department of Corrections is authorized to establish by rules and regulations of a system of administrative sanctions as an alternative to judicial modifications or revocations for probationers who violate the terms and conditions of the sentencing options system. This bill provides for procedure when an operations systems probationer is arrested on a warrant for an alleged violation of probation.

Effective Date: April 21, 2009

Signed by the Governor on 4/21/2009

SB 61 Life Settlements Act; license/registration requirements for life settlement brokers; definitions

SB 61 amends Chapter 59 of Title 33 of the O.C.G.A., relating to life settlements. SB 61 addresses injunctions and other civil remedies, and criminal sanctions and penalties related to life settlements. Every provider that willfully fails to file an annual statement as required or willfully fails to reply with in 30 days to a written inquiry by the Commissioner of Insurance is subject to a penalty of up to \$250.00 per day of delay, not to exceed \$25,000.00 in the aggregate. Any person that commits a fraudulent life settlement act shall be guilty of committing insurance fraud and shall be guilty of a felony. Upon conviction, punishment shall be imprisonment for not less than two nor more than ten years, or fined for not more than \$10,000.00, or both.

Effective Date: April 30, 2009, for purposes of promulgation of rules and regulations by the Commissioner of Insurance.

Signed by the Governor on 4/30/2009

SB 69 Sexual Exploitation; expand the definition

SB 69 amends Titles 19 and 49 of the O.C.G.A., relating to domestic relations and social services, so as to expand the definition of "sexual

exploitation". It provides a broader frame of reference for the definition to not only include parents and caretakers, but "any person".

Effective Date: May 5, 2009

Signed by the Governor on 5/5/2009

SB 79 Social Services; provide access by certain gov. entities/persons to records concerning reports of child abuse; define a certain term

SB 79 amends Article 2 of Chapter 5 of Title 49 of the O.C.G.A., relating to child abuse and deprivation records. This bill defines "near fatality" as an act that places a child in serious or critical condition as certified by a physician. It gives any federal, state, or local governmental entity reasonable access to records concerning reports of child abuse in order to carry out its legal responsibilities to protect children from abuse and neglect. SB 79 also provides that certain records relating to a child fatality or near fatality not be confidential.

Effective Date: July 1, 2009

Signed by the Governor on 4/21/2009

***See also Juvenile**

CRIMINAL cont.

SB 82 Secondary Metals Recyclers; transaction records; change provisions

SB 82 amends Article 14 of Chapter 1 of Title 10 of the O.C.G.A., relating to secondary metals recyclers, so as to change provisions relating to transaction records and revise provisions relating to theft of regulated metal property. It states that if the value of the stolen property is in an aggregate amount which exceeds \$500.00, the secondary metals recycler shall be guilty of a felony and, upon conviction, be punished by a fine of not more than \$5,000.00 or by imprisonment for not less than one nor more than five years, or both.

Effective Date: July 1, 2009

Signed by the Governor on
5/5/2009

SB 151 Penal Institutions; provide courts/State Board of Pardons and Paroles greater input from crime victims, their families, interested witnesses

SB 151 allows for crime victims' family and other interested witnesses to be able to testify in court through other means than being physically present in court, in all cases in which the death penalty may be imposed. The testimony may be in the form of, but not limited to, a written statement or a prerecorded audio or video statement. The bill defines an

immediate family as the victim's spouse, child, parent, stepparent, grandparent, grandchild, sibling, stepbrother, stepsister, mother-in-law, father-in-law, sister-in-law, or brother-in-law and the spouses of any these individuals. It also notifies the victim of parole board hearings. The State Board of Pardons and Paroles is required to send a written notification of the parole decision to the victim or, if the victim is no longer living, to the family of the victim. The written, oral, audio taped, or video taped testimony of the victim or the victim's family, or a witness having personal knowledge of the victim's personal characteristics may be considered by the State Board of Pardons and Paroles for investigation, examination, or determination of a grant of relief.

Effective Date: July 1, 2009

Signed by the Governor on
4/29/2009

SB 172 Victim Compensation; provide for recovery for serious mental and emotional trauma; change definitions; provisions

SB 172 amends Chapter 15 of Title 17 of the O.C.G.A., relating to victim compensation. This bill provides for recovery for serious mental and emotional trauma. It defines "serious mental or emotional trauma" as a nonphysical injury which has been documented by a licensed mental health professional and

which meets the specifications promulgated by the Criminal Justice Coordinating Council's rules and regulations relating to this type of trauma. Furthermore, the bill provides for provisions related to filing of claims, investigations, and characteristics of persons eligible for awards. No award may be made unless the Criminal Justice Coordinating Council, or the director, finds that the crime directly resulted in the victim's serious mental or emotional trauma. The bill establishes that no award shall be made for a crime occurring before July 1, 2009.

Effective Date: July 1, 2009

Signed by the Governor on
4/29/2009

SB 193 Sentence/Punishment; authorize Corrections Dept.; participation in transitional center; offender's final year of incarceration

SB 193 amends Code Section 17-10-6.1 of the O.C.G.A., relating to punishment for serious violent offenders. This bill will authorize the Department of Corrections to consider certain offenders for participation in a transitional center or work release program during the offender's final year of incarceration.

Effective Date: July 1, 2009

Signed by the Governor on
4/21/2009

CRIMINAL cont.

HB 71 False identification documents; manufacturing, selling, or distributing

HB 71 amends Code Section 16-9-4 on the manufacturing, selling and distribution of false identification documents. It strikes specific details of what might be used in defense of a violation of the code. HB 71 removes the defense of using the word "novelty" on a false identification card as a means of not being prosecuted. It shall not be a defense to a violation if a false, fictitious, fraudulent, or altered identification document contained words indicating that it is not an identification document.

Effective Date: October 1, 2009, and shall apply to offenses committed on or after such date.

Signed by the Governor on 4/30/2009

HB 123 Sexual offenses; child molestation; define; change certain provisions

HB 123 amends Chapter 6 of Title 16 of the O.C.G.A., relating to sexual offenses, specifically to change certain provisions relating to child molestation. It adds language stating it is a code violation even if the act in question is done by means of an electronic device and the person transmits images of a person engaging in, educating, or otherwise participating in any immoral or indecent act to a

child under the age of 16 with the intent to arouse or satisfy the sexual desires of either the child or the person. It also provides that a violation of this code section the person shall be subject to prosecution if the person engages in the behavior either within or outside of this state involving a child within or outside of this state.

Effective Date: May 5, 2009

Signed by the Governor on 5/5/2009

HB 147 Bonds or recognizances forfeiture; relieve surety from liability

HB 147 amends Chapter 6 of Title 17 of the O.C.G.A., relating to bonds and recognizances, so as to provide that professional bondsmen shall provide clerks of court with contact information for purposes of receiving certain notices. It shall be the duty of each clerk of the court to keep, maintain, and update such information as provided by a professional bondsman. This bill also relieves a surety from liability under certain circumstances. If notice is not served within ten days, the surety shall thereafter be relieved of liability on the appearance bond.

In the event a bond was prevented from attending because he or she was deported by federal authorities, an official written notice of the deportation from a federal office shall be considered proof of the

principal's deportation.

Effective Date: May 5, 2009

Signed by the Governor on 5/5/2009

***See also General**

HB 226 Probation detention centers; sentencing and confinement; change provisions

HB 226 amends Code Section 42-8-35.4 of the O.C.G.A., relating to confinement in probation detention center, so as to change provisions relating to the sentencing and confinement of certain defendants in a probation detention center. HB 226 permits credit for time served in confinement while awaiting confinement in a probation detention center.

Effective Date: July 1, 2009, and shall apply to probationers sentenced on or after the effective date.

Signed by the Governor on 4/21/2009



CRIMINAL cont.

HB 306 Bonds and recognizances; electronic pretrial release and monitoring; provisions

HB 306 amends Chapter 6 of the Title 17 of the O.C.G.A., relating to bonds and recognizances, so as to provide for a program of electronic pretrial release and monitoring of criminal defendants. The court may, in its sole discretion and subject to the eligibility requirements any authorize the defendant to be released under the provisions of an electronic pretrial release and monitoring program. The court may also, in its sole discretion revoke at any time the eligibility of any defendant to participate in the program.

Effective Date: July 1, 2009

Signed by the Governor on 5/5/2009

HB 457 Disabled adults and elder persons; revise definition; acts in long-term care facilities unlawful; provide

HB 457 redefines the term 'disabled adult' to include a person 18 years of age or older who has Alzheimer's disease, or dementia. It makes the abuse, neglect, or exploitation of any disabled adult or elder person to be unlawful. An owner, officer, administrator, or board member of a long-term care facility shall not be held criminally liable for the

actions of a person who is convicted of an unlawful act against a disabled adult.

Effective Date: July 1, 2009

Signed by the Governor on 5/5/2009

HB 575 Kidnapping; change certain provisions

HB 575 amends Code Section 16-5-40 of the O.C.G.A. This bill allows the element of asportation to be satisfied by any movement of a kidnapped person, and there shall be no minimum distance requirement of the movement. However, any movement of another person which occurs while in the commission of any other offense shall not constitute the offense of kidnapping if the movement is merely incidental to the other offense. Kidnapping shall be considered a separate offense, not merely incidental to the commission of another offense, and shall not merge with any other offense. The offense of kidnapping is declared to be a continuing offense and venue may be in any county where the accused exercised dominion or control over another person.

Effective Date: July 1, 2009

Signed by the Governor on 4/30/2009

COMPENSATION / RETIREMENT

SB 109 Retirement; Department of Administrative Services; change certain duties and obligations

SB 109 provides for each of the following Councils to pay their respective employer contributions for retirement: Superior Court Judges, State Court Judges, Juvenile Court Judges and the Prosecuting Attorneys. It also requires that each of these Councils be authorized, and directed to pay from funds appropriated or otherwise available in additional amount equal to the 5% contribution of the member plus an additional 20% so that the state contribution is in accordance with the Employees' Retirement System of Georgia.

Effective Date: July 1, 2010

Signed by the Governor on 5/5/2009



COMPENSATION /RETIREMENT

SB 122 State Employees Insurance; divide the Georgia Retiree Health Benefit Funds into two funds; define certain terms

SB 122 creates the Georgia State Employees Post-employment Health Benefit Fund to provide for the costs of post-employment health insurance benefits. The fund will be a trust fund of public funds and the Board of Community Health in its official capacity will be the fund's trustee. The commissioner of community health, in his or her official capacity will be its administrator.

On August 31, 2009, the board is to identify the funds held in the Georgia Retiree Health Benefit Fund for the payment of postretirement health benefits for state employees and shall transfer the funds to the Georgia State Employees Post-employment Health Benefit Fund. The fund shall be available and dedicated without fiscal year limitations for covered health care expenses and administration costs. All employer and fund beneficiary contributions, appropriations, earnings, and reserves for the payment of obligations shall be irrevocably credited to the fund. The amounts remaining in the fund, if any, after the health care expenses and administration costs have been paid shall be retained in the fund as a special reserve for

covered health care expenses and administration costs. The board will determine the time and amounts of distributions from the special reserve for covered health care expenses and administration costs. All assets of the fund are to be used solely for the payment of fund obligations and for no other purpose and be protected from creditors of the state and the employers.

Effective Date: April 21, 2009.
Section 3 (relating to the Georgia Retiree Health Benefit Fund) shall become effective on September 1, 2010.

Signed by the Governor on 4/21/2009

SB 177 Retirement; provide appellate court judges who become members; shall not be entitled to certain group term life insurance benefits

SB 177 amends Title 47 of the O.C.G.A., relating to retirement and pensions. It provides that appellate court judges who become members of the Employees' Retirement System of Georgia, and persons who become members of the Georgia Judicial Retirement System on or after July 1, 2009, not be entitled to Survivors benefits.

Effective Date: July 1, 2009

Signed by the Governor on 4/29/2009

HB 202 Retirement and pensions; computing contributions and benefits; define certain terms

HB 202 amends Title 47 of the O.C.G.A., relating to all public retirement systems. It is intended to ensure that provisions in Title 47 are in compliance with requirements outlined in the Federal Internal Revenue Code.

HB 202 authorizes the boards of all public retirement systems operating under Title 47 of O.C.G.A. to adopt any rules which are required to meet the necessary federal compliance standards. It requires all systems to comply with mandatory distribution requirements that are included in the Internal Revenue Code. This bill also clarifies provisions relating to rollovers from public retirement systems to other qualified plans, and revises language relating to maximum benefits payable to ensure the language is consistent with the Internal Revenue Code.

Effective Date: May 11, 2009

Signed by the Governor on 5/11/2009

COMPENSATION/ RETIREMENT cont.

HB 210 Georgia Judicial Retirement System; employer contributions; clarify

HB 210 amends provisions relating to membership in the Georgia Judicial Retirement System. It clarifies that certain attorney's employed by the office of Legislative Counsel or the Department of Law on June 30, 2005, shall retain all rights and obligations as exist on that day. Those in this group shall be subject to all provisions of this chapter applicable to solicitors-general of the state courts, and Employer contributions shall be paid by respective employers under such Code sections.

Effective Date: July 1, 2009

Signed by the Governor on
4/30/2009

HB 371 Public Retirement Systems Investment Authority Law; increase in allowable fund investment;

HB 371 revises the definition of "large retirement system." Retirement systems created by Title 47 which have assets in excess of \$200 million would be classified as a "large retirement system." Self-administered local retirement systems will no longer be designated as "large retirement systems." The bill also removes the cap on foreign investments.

In addition, HB 371 allows all funds to be subject to the same investigating limitations.

Effective Date: April 21, 2009

Signed by the Governor on
4/21/2009

HB 452 Retirement and pensions; postretirement benefit adjustment; provide statement of legislative intent

HB 452 provides that members of the Georgia Judicial Retirement System who become members on or after July 1, 2009, not be entitled to receive any postretirement benefit adjustments.

Effective Date: July 1, 2009

Signed by the Governor on
4/30/2009

HB 476 Retirement benefit options; provisions

HB 476 provides for the reform of certain features of certain public retirement systems. It requires that a compensation increase in the last 12 months of employment that exceeds 5 percent not be included in computation of a retirement benefit for members employed on or after July 1, 2009. In addition, it clarifies provisions relative to a death benefit for certain members of the Employees' Retirement System. A member who first or again becomes a member of the retirement system on or after July 1, 2007, and who has at least ten

years of creditable service and is at least 60 years of age or who is less than 60 years of age and has at least 15 years of creditable service shall upon death receive the equivalent of a service retirement allowance calculated upon the number of years of creditable service attained on the date of death and based upon his or her highest average monthly compensation during a period of 24 consecutive calendar months while a member of the retirement system.

Effective Date: July 1, 2009

Signed by the Governor on
4/30/2009

HB 477 Retirement and pensions; creditable service; application requirement; remove

HB 477 amends provisions relating to procedure for establishment of creditable service, computations, employer contributions, and system or fund unable to provide creditable service. It removes the requirement that any qualified returning veteran desiring to establish creditable service for a period of qualified service give notice no later than six months from the date he or she resumes employment.

Effective Date: April 30, 2009

Signed by the Governor on
4/30/2009

COMPENSATION/ RETIREMENT cont.

HB 487 Superior Court Clerks' Retirement Fund of Georgia; employee contribution; increase

HB 487 amends provisions relating to the Superior Court Clerks' Retirement Fund of Georgia, so as to increase the employee contribution to the fund. It increases the amount of employee contributions paid by those who first or again become members of the Fund on or after September 1, 2009. These individuals will be required to pay \$100 per month in the Fund— currently the cost is \$50. In addition, it raises the fees for each fine collected and for each bond forfeited and collected in any criminal or quasi-criminal case to \$2.00. The sum of \$1.00 shall be paid out of fees charged and collected in each civil suit, action, case, or proceeding filed in the superior courts or in any other court of this state in which a clerk eligible for membership in this retirement fund.

Effective Date: May 5, 2009

Signed by the Governor on 5/5/2009

***See also Fines and Fees**

HB 488 Superior Court Clerks' Retirement Fund of Georgia; eligibility criteria for creditable service

HB 488 amends provisions relating to retirement benefits,

disability benefits, and spouses' benefits under the Superior Court Clerks' Retirement Fund of Georgia. No member who first or again becomes a member on or after September 1, 2009, shall be entitled to include service during which he or she was not in compliance with the training requirements.

Effective Date: July 1, 2009

Signed by the Governor on 5/5/2009

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ELECTIONS

HB 86 Elections; absentee ballots

HB 86 amends Chapter 2 of Title 21 of the O.C.G.A., relating to primaries and elections generally. It clarifies that all absentee ballots shall be counted and tabulated in a way that returns may be reported by precinct. The separate returns shall be made for each precinct in which the absentee ballots were cast, showing the results by each precinct in which the electors reside. HB 86 does not need the clearance of DOJ.

Effective Date: July 1, 2009

Signed by the Governor on 4/30/2009

HB 156 Magistrate judges; performing military duty; eligible for reelection; provisions

HB 156 allows elected magistrate judges who are performing ordered military duty to continue in office and be eligible for reelection during their duty.

Effective Date: April 30, 2009 upon signature of Governor.

Signed by the Governor on 4/30/2009

FINES AND FEES

HB 160 Driver Services, Department of; increase fees; speed restrictions; provisions

HB 160 amends Chapter 5 of Title 40 of the O.C.G.A., by increasing the fees paid to the Department of Driver Services for reinstatement or restoration of suspended or revoked drivers' licenses. The bill also amends O.C.G.A. 40-6-189, by creating a "super speeder" offense for anyone traveling 75+ mph on a two lane road or 85+ mph on a four lane road. The new offense will have an additional \$200 fine imposed by the Department of Drivers' Services within 30 days of adjudication. Failure to pay the fee imposed within 90 days after receipt of the notice shall result in the suspension of the driver's license or driving privileges of the offender, and a additional \$50.00 fee.

Effective Date: Part I (increase in fees for reinstatement or restoration of suspended or revoked drivers' licenses) shall be effective on July 1, 2009. Part II ("Super speeder" section) shall be effective on January 1, 2010.

Signed by the Governor on 5/5/2009

***See also Traffic**

HB 344 Probation; Department of Corrections; collections of additional fees; authorize

HB 344 authorizes the Department of Corrections to establish and collect additional fees for services rendered to a felony defendant sentenced to a day reporting center. This fee is not to exceed \$10.00 per day for each day the defendant is required to report to a day reporting center. It further states that no fees shall be imposed or collected if the defendant is unemployed or has been found indigent by the sentencing court.

Effective Date: July 1, 2009, and shall apply to persons convicted on or after such date.

Signed by the Governor on 5/4/2009

HB 453 Superior courts; sunset dates for property filing fees; change

HB 453 amends Code Section 15-6-2 of the O.C.G.A. by extending the sunset date for real estate or personal property filing fees from July 1, 2012 to July 1, 2014. It changes the sunset date of the state-wide uniform automated information system from July 1, 2012 to July 1, 2014. It also changes the sunset date of collection and remittance of real estate or personal property filing fees to the Georgia Superior Court Clerks' Cooperative Authority from July 1, 2012 to July 1, 2014.

Effective Date: July 1, 2009

Signed by the Governor on 4/21/2009

HB 487 Superior Court Clerks' Retirement Fund of Georgia; employee contribution; increase

HB 487 amends provisions relating to the Superior Court Clerks' Retirement Fund of Georgia, so as to increase the employee contribution to the fund. It increases the amount of employee contributions paid by those who first or again become members of the Fund on or after September 1, 2009. These individuals will be required to pay \$100 per month in the Fund— currently the cost is \$50. In addition, it raises the fees for each fine collected and for each bond forfeited and collected in any criminal or quasi-criminal case to \$2.00. The sum of \$1.00 shall be paid out of fees charged and collected in each civil suit, action, case, or proceeding filed in the superior courts or in any other court of this state in which a clerk eligible for membership in this retirement fund.

Effective Date: May 5, 2009

Signed by the Governor on 5/5/2009

***See also Compensation/ Retirement**

FINES AND FEES cont.

HB 646 Dooly County; Magistrate Court; law library fee; establish

HB 646 authorizes the Magistrate Court of Dooly County to establish and charge a law library fee not to exceed \$5.00. The funds collected are to be paid into the general county treasury of Dooly County and used for the purposes of maintaining the Dooly County law library

Effective Date: July 1, 2009

Signed by the Governor on
5/11/2009

GENERAL

SB 20 Local Government; prohibit sanctuary policies; provide penalties

SB 20 prohibits local governments and municipalities from adopting, enacting, implementing, or enforcing sanctuary policies to harbor persons who are illegally present in the United States. If found in violation, provides for a penalty of the withholding of state funding or state administered federal funding. The Department of Community Affairs, the Department of Transportation, or any other state agency that provide funding to local governing bodies may require certification of compliance with this Code section as a condition of funding.

Effective Date: May 5, 2009

Signed by the Governor on
5/5/2009

SB 46 O.C.G.A.; correct errors/omissions

SB 46 is an annual revision bill. It corrects typographical, stylistic, capitalization, punctuation, and other errors and omissions in the O.C.G.A. and in Acts of the General Assembly amending the O.C.G.A.

Effective Date: April 14, 2009

Signed by the Governor on
4/14/2009

SB 47 O.C.G.A.; correct errors/omissions; Title 21

SB 47 is an annual revision bill. It amends Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to correct typographical, stylistic, and other errors and omissions in Title 21 of the Official Code of Georgia Annotated.

Effective Date: April 21, 2009

Signed by the Governor on
4/21/2009

SB 48 O.C.G.A.; correct errors/omissions; Title 47

SB 48 is an annual revision bill. It amends Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to correct typographical, stylistic, and other errors and omissions.

Effective Date: April 30, 2009

Signed by the Governor on
4/30/2009

SB 199 Courts; required annual training for magistrates/probate judges; suspend for one year

SB 199 allows the Probate Judges Training Council and the Magistrate Judges Training Council to suspend for one year the otherwise required annual training for magistrates and probate judges, for the calendar years 2009 and 2010 only – this is half fiscal year 2009 (7/1/08 - 6/30/09) and half fiscal year 2010 (7/1/09 - 6/30/10). If any probate or magistrate judge completes all or a portion of their training prior to the legislation becoming effective, the completed credit is to be carried over and applied to calendar year 2010 or 2011. This bill provides for each of the two Councils' discretion as to whether to hold their annual training, in whole or in part of the annual training to be suspended.

Effective Date: May 4, 2009

Signed by the Governor on
5/4/2009

GENERAL cont.

HB 56 Sales and use tax; renegotiation of distribution certificates; change certain provisions

HB 56 amends 48-8-2 of the O.C.G.A., relating to the joint county and municipal sales and use tax. It revises and changes procedures and requirements regarding the renegotiation of distribution certificates. Following the commencement of renegotiation, if the parties necessary to an agreement fail to reach an agreement within 60 days, they must submit the dispute to nonbinding arbitration, mediation, or other means of resolving conflicts in a manner which reflects a good faith effort to resolve the dispute. If the parties fail to reach an agreement within 60 days of submitting a dispute, any party necessary to an agreement may file a petition in superior court of the county seeking resolution of the items remaining in dispute. The petition shall be assigned to a judge who is not a judge in the circuit in which the county is located. The judge selected may also be a senior judge who resides in another circuit. The judge shall enter a final order containing a new distribution certificate and transmit a copy of it to the commissioner.

Effective Date: Upon signature of Governor or July 1, 2009, without such approval.

Vetoed by the Governor on 5/11/2008

Governor Perdue's Press Release: House Bill 56 relates to the distribution of local option sales tax proceeds among counties and cities. The bill changes the process whereby counties and cities must renegotiate a new distribution formula after a census. Currently, if the county and qualified cities therein cannot agree on a new distribution formula, the tax is repealed. The bill removes that automatic repeal and allows sales taxes to continue to be distributed under the old formula while cities and counties litigate over a new formula. I believe that the most powerful incentive for local governments to agree is the potential loss of funds for lack of agreement. Because this bill removes the current powerful incentive, I VETO HB 56.



HB 126 - Uniform Electronic Transactions Act; enact

HB 126 enacts the Uniform Electronic Transactions Act. This bill provides for the authorization of electronic records and electronic signatures. It also establishes admissibility of certain electronic records and electronic signatures.

Effective Date: July 1, 2009

HB 127 Uniform Real Property Electronic Recording Act; adopt; provisions

HB 127 amends Chapter 2 of Title 44 of the O.C.G.A. by designating the existing portion as Part 1 and a new portion, Part 2, titled the 'Uniform Real Property Electronic Recording Act.' The Act sets forth rules and regulations for the electronic filing of documents related to real estate with the clerk of superior court.

Effective Date: May 5, 2009

Signed by the Governor on 5/5/2009

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GENERAL cont.

HB 147 Bonds or recognizances; forfeiture; relieve surety from liability

HB 147 amends Chapter 6 of Title 17 of the O.C.G.A., relating to bonds and recognizances, so as to provide that professional bondsmen shall provide clerks of court with contact information for purposes of receiving certain notices. It shall be the duty of each clerk of the court to keep, maintain, and update such information as provided by a professional bondsman. This bill also relieves a surety from liability under certain circumstances. If notice is not served within ten days, the surety shall thereafter be relieved of liability on the appearance bond. If a bond was prevented from attending because he or she was deported by federal authorities, an official written notice of the deportation from a federal office shall be considered proof of the principal's deportation.

Effective Date: May 5, 2009

Signed by the Governor on 5/5/2009

***See also criminal**

HB 184 Marriage license; sickle cell disease information; provide

HB 184 amends Article 2 of Chapter 3 of Title 19 of the O.C.G.A., relating to marriage

license and ceremony. It provides that the Department of Human Resources prepare information for public dissemination on the their website describing the importance of obtaining a blood test for sickle cell disease and explaining the causes and effects of such disease. The information must recommend that each applicant applying for a marriage license obtain a blood test for sickle cell disease prior to obtaining a marriage license. The information may also be provided as a brochure or other document. The department shall provide brochures to the probate court in an electronic format to disseminate to all persons applying for marriage licenses.

Effective Date: July 1, 2009

Signed by the Governor on 4/30/2009

HB 189 Child support; collection options; Department of Human Resources; provisions

HB 189 amends Chapter 1 of Title 10 of the O.C.G.A., relating to enforcement of duty of child support. This bill defines 'child support enforcement' as the action, conduct, or practice of enforcing a child support order issued by a court or other tribunal. It requires private child support collectors to register with the Secretary of State and to provide information as requested by the Secretary of State. Any

contract for the collection of child support between a private child support collector and an obligee shall be in writing, in at least ten-point type, and signed by a private child support collector and the obligee and shall be filed with the Governor's Office of Consumer Affairs. It provides for child support collection options and changes provisions relating to payment of child support held by the Office of Child Support Services, an Agency of the Department of Human Resources. It sets forth contract requirements for private child support collectors; and provides for prohibited practices of private child support collectors.

Effective Date: July 1, 2009, this Act shall be applicable to all contracts for private collection of child support payment entered into on or after such effective date.

Signed by the Governor on 5/11/2009



GENERAL cont.

HB 195 Trial juries; qualification of electric membership corporation; provide

HB 195 amends O.C.G.A. 15-12-5 by adding a new section 137.1 to allow members of an electric membership corporation (EMC) to be qualified as jurors in cases involving the electric membership corporation. If the judge finds that a potential juror's membership in the EMC may cause them to have a bias or prejudice for the EMC, the judge may grant the party's motion to disqualify the person for cause.

Effective Date: May 4, 2009

Signed by the Governor on 5/4/2009

HB 221 Extraordinary writs; removal of superior court judge; provisions

HB 221 amends Chapter 6 of Title 9 of the O.C.G.A. by clarifying how a party litigant can remove a sitting judge. It provides that no writ of mandamus to compel the removal of a judge shall be issued where no motion to recuse has been filed or where a motion to recuse has been denied, after assigned to a separate judge. Furthermore, no writ of prohibition to compel the removal of a judge shall issue where no motion to recuse has been filed, if such motion is available, or where a

motion to recuse has been denied after assignment to a separate judge for hearing.

Effective Date: July 1, 2009

Signed by the Governor on 5/4/2009

HB 228 State health and human services agencies; reorganize and reestablish; provisions

HB 228 reorganizes the Department of Human Resources (DHR) into three separate agencies as follows:

Department of Community Health— same as currently structured with the addition of Public Health

Department of Human Services – Child Support, Aging, DFCS

Department of Behavioral Health & Developmental Disabilities – Mental Health, Addictive Diseases

Each new agency will have a Board appointed by the Governor and a Commissioner also appointed by the Governor. HB 228 also repeals the automatic sunset provision for the State Commission on Family Violence.

Effective Date: July 1, 2009

Signed by the Governor on 5/4/2009

HB 283 Appellate Courts filing fee; bar examiner fees; change certain provisions

HB 283 changes certain provisions relating to filing fees for appeals to the Supreme Court and the Court of Appeals. In criminal cases and habeas corpus cases, the filing fee for the application will be \$80.00. In all other civil cases the filing fee will be \$300.00. HB 283 also changes provisions relating to the amount and disposition of Bar examination fees. The cap of \$90.00 for the direct and indirect costs of administering the examination has been stricken. The Supreme Court, upon recommendation by the board, shall by rule set the amount of the examination.

Effective Date: Section 1 (certiorari and appeals to appellate courts filing fee) of this Act shall become effective on July 1, 2009, and Section 2 (Bar examination fee) is effective May 4, 2009

Signed by the Governor on 5/4/2009



GENERAL cont.

HB 324 State courts; require payment of costs of an appeal; provisions

HB 324 amends Code Section 5-3-22 of the O.C.G.A., by adding the requirement that all costs accrued in court be paid before an appeal is heard in state court. The law previously required all costs be paid to superior courts only prior to an appeal being heard.

Effective Date: July 1, 2009

Signed by the Governor on
5/4/2009

HB 368 Controlled substances; Schedule II, III, and IV; change certain provisions

HB 368 updates the list of controlled substances in Georgia.

Effective Date: April 21, 2009

Signed by the Governor on
4/21/2009

HB 495 Probate courts; associate probate court judges

HB 495 amends Chapter 9 of Title 15 dealing with probate courts. It provides for the appointment of associate probate judges and matters related to their appointment. The judge of the probate court may appoint one or more persons to serve as associate judges of the probate court in probate matters on a full-time

or part-time basis subject to approval to the governing authority of the county. The associate judges of the probate court shall serve at the pleasure of the judge of the probate court. It shall be unlawful for any full-time or part-time associate judge of the probate court to engage in any practice of law outside his or her role as an associate judge of the probate court. HB 495 also amends code section 15-9-30, by clarifying conservator language.

Effective Date: July 1, 2009

Signed by the Governor on
5/5/2009

HB 549 Driver Services, Department of; information for purposes of creating juror lists; specify

HB 549 requires the clerk of superior court, on or before the tenth day of each month, transmit to the Secretary of State a complete list of every person who identified themselves as not being a citizen of the U.S. during their qualification to serve as a juror the preceding calendar month in that county.

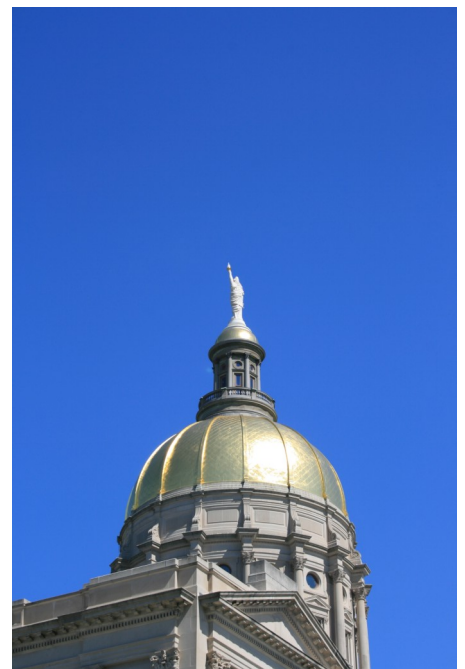
HB 549 also specifies the information the Department of Driver Services may provide for purposes of creating jury lists. The Department shall provide the address effective date, document issue date and document expiration date. The Department must also indicate whether the document is a

driver's license or a personal identification card. This section of the bill becomes effective on July 1, 2009.

Effective Date: Section 1 (regarding transmittal of voter information to the Secretary of State) shall become effective on January 1, 2010. The remaining sections of this bill are effective April 30, 2009

Signed by the Governor on
4/30/2009

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JUVENILE

SB 79 - Social Services; provide access by certain gov. entities/persons to records concerning reports of child abuse; define a certain term

SB 79 amends Article 2 of Chapter 5 of Title 49 of the O.C.G.A., relating to child abuse and deprivation records. This bill defines "near fatality" as an act that places a child in serious or critical condition as certified by a physician. It gives any federal, state, or local governmental entity reasonable access to records concerning reports of child abuse in order to carry out its legal responsibilities to protect children from abuse and neglect. SB 79 also provides that certain records relating to a child fatality or near fatality not be confidential.

Effective Date: July 1, 2009

Signed by the Governor on
4/21/2009

***See also Criminal**

SB 246 - Courts; provide notice of the release of child from detention under certain circumstances; definitions

SB 246 amends Part 5 of Article 1 of Chapter 11 of Title 15 of the O.C.G.A. by adding new Code section 15-11-51. This new Code section states that when a child accused of a violent delinquent act is detained pending adjudication, the Department of Juvenile Justice is required to notify the victim

of the child's release from detention not less than 24 hours prior to such child's release. If a child has been adjudicated to have committed a violent delinquent act, the Department of Juvenile Justice shall notify the victim of the child's pending release not less than 48 hours prior to such release. The bill also provides that notification is not required unless the victim has stated a desire for such notification.

Effective Date: May 4, 2009

Signed by the Governor on
5/4/2009

SB 207 Proceedings; admit general public to hearings in juvenile court with certain exceptions

SB 207 amends Code Section 15-11-78 of the O.C.G.A., to allow the general public to attend deprivation proceedings, unless the court closes the proceedings upon a finding on the record and a signed order as to the reasons for closing the hearing. Grounds for closing a hearing include a finding that (1) the proceeding involves allegations of a sexual offense, (2) closing the proceeding is in the best interest of the child, considering the child's age, the nature of the allegations, and any potential effect of publicity on achieving reunification of the family, or (3) closing the proceeding is necessary to protect the privacy of a child, caretaker, or victim of domestic violence. The court may close a proceeding or

refuse to admit any person to a hearing upon its own motion or a motion of any party, including the child. Additionally, the court may refuse to admit any person to a hearing upon making a finding on the record that the person's presence would be detrimental to the best interest of the child, impair the fact-finding process, or otherwise be contrary to the interest of justice. The court may order the media not to release any identifying information regarding the child, the child's family, or foster parents or caregivers and directs that any requests for installation of electronic recording equipment be made to the court two days in advance of the hearing. Juvenile court records remain sealed, and the bill does not make changes to current law regarding access to delinquency proceedings.

SB 207 does, however, include a new provision that requires state and county agencies, including DHR, public schools, and law enforcement units, to exchange information about a child which may assist with the assessment, treatment, intervention or rehabilitation of the child, if such information is not already confidential under the law.

Effective Date: January 1, 2010, and shall not apply to any juvenile court proceeding filed before this date.

Signed by the Governor on
4/30/2009

JUVENILE cont.

HB 237 Human Resources, Department of; financial assistance for adoptive parents; revise provision

HB 237 amends Code Section 49-5-8 of the O.C.G.A., relating to the powers and duties of the Department of Human Resources with respect to programs and protection for children. This bill revises a provision relating to financial assistance for adoptive parents. It provides financial assistance to families adopting children once the child has been placed for adoption, determined eligible for assistance, and the adoption assistance agreement has been signed prior to the finalization of the adoption by all parties. Financial assistance may not exceed 100 percent of the amount that would have been paid for boarding the child in a family foster home.

Effective Date: July 1, 2009

Signed by the Governor on 4/21/2009

HB 245 Delinquent and unruly children; disposition; change provisions

HB 245 amends Part 7 of Article 1 of Chapter 11 of Title 15 of the O.C.G.A., relating to delinquent and unruly children. This bill changes provisions relating to disposition of delinquent children. It reduces the short-term program stay from 60 days to 30 days. It has a sunset provision that states after July 1, 2011, the maximum

number of days that the court may order a child to serve in a youth development center shall be increased back to 60 days.

Effective Date: April 21, 2009

Signed by the Governor on 4/21/2009

HB 254 Human Resources, Department of; juvenile proceedings; locate adult relatives; provisions

HB 254 amends Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, to provide that the Department of Human Resources shall attempt to locate the adult relatives of a child removed from the custody of his or her parents within 30 days, and provide notice and explanation of options to the identified relatives. It specifies that the court shall order in its preliminary disposition that the parent or other legal guardian of the child shall provide within 10 days the names and addresses of all relatives and other persons who might be considered as possible placements for the child. The Council of Juvenile Court Judges shall be authorized to create uniform rules and forms to implement the provisions of placement. This change brings Georgia into compliance with a portion of the 2008 Federal Fostering Connections to Success Act. HB 254 also addresses the child placement process in the event of termination of parental rights. It requires that a home study be conducted by DHR or a

child-placing agency prior to a third-party adoption occurring.

Effective Date: April 21, 2009

Signed by the Governor on 4/21/2009

LOCAL COMPENSATION

SB 154 Superior Court of the Coweta Judicial Circuit; judges; change supplemental salaries

SB 154 changes the supplemental salaries for judges the Superior Court of the Coweta Judicial Circuit. The board of commissioners or other governing authority for the counties of Carroll, Coweta, Heard, Meriwether, and Troup shall supplement the salaries of each of the judges of the Superior Court of the Coweta Judicial Circuit in the following amounts: Carroll County shall pay the sum of \$10,134.00 per annum per judge; Coweta County shall pay the sum of \$7,599.00 per annum per judge; Heard County shall pay the sum of \$1,233.00 per annum per judge; Meriwether County shall pay the sum of \$3,168.00 per annum per judge; Troup County shall pay the sum of \$7,866.00 per annum per judge

Effective Date: May 7, 2009

Signed by the Governor on 5/7/2009

LOCAL COMPENSATION cont.

HB 652 Douglas Judicial Circuit; superior court judges; supplement paid; change

HB 652 changes the amount of the annual supplement paid to the superior court judges from funds of Douglas County. The salary of each judge shall be supplemented in the amount of \$43,318.00 per annum from the funds of Douglas County.

Effective Date: June 1, 2009.

Signed by the Governor on 5/6/2009

HB 718 Fulton County; employee benefits made available to judges; provide

HB 718 amends the Act relating to the compensation and salary supplements of the judges of the superior court of Fulton County. It provides for the governing authority of Fulton County make available to the judges of the superior court of Fulton County all health, dental, mental health, vision, prescription drug, disability, and life insurance benefits and other similar benefits which are made available to employees of Fulton County.

Effective Date: May 11, 2009

Signed by the Governor 5/11/2009

HB 781 Catoosa County; clerk of Superior Court; increase allowance

HB 781 sets the maximum allowance to be paid for clerical help for the judge of probate court of Catoosa County, Georgia at \$ 130,000.00. It also sets the maximum allowance to be paid for clerical help for the clerk of the superior court at \$ 275,000.00.

Effective Date: May 11, 2009

Signed by the Governor 5/6/2009

LOCAL ELECTIONS

HB 383 Bulloch County; board of elections and registration; members; provisions

HB 383 creates a board of elections and registration for Bulloch County. The appointment of each member shall be made by the governing authority of the county filing an affidavit with the clerk of the superior court no later than 30 days preceding the date of when the member will take office. The member of the board holds the right to resign at any time by giving written notice of the action to the governing authority of the county and to the clerk of the Superior Court of Bulloch County.

Effective Date: This Act shall become effective on January 1, 2010, except that for purposes of making initial appointments to the board, it shall become effective on July 1, 2009.

Signed by the Governor on 5/11/2009

HB 386 Pierce County; board of elections and registration; members; provisions

HB 386 creates a board of elections and registration for Pierce County. All appointments to the board shall be promptly certified to the clerk of the Superior Court of Pierce County. The judge of the Probate Court of Pierce County and the Board of Registrars of Pierce County shall be relieved of all powers and duties to which the board succeeds by the provisions of this Act.

Effective Date: May 11, 2009, for purposes of making initial appointments to the board only. This Act shall become fully effective on July 1, 2009

Signed by the Governor 5/11/2009

HB 658 Dooly County; board of elections and registration

HB 658 creates a board of elections and registration for Dooly County. It transfers the powers, duties, and responsibilities of the superintendent of elections of Dooly County, currently being exercised by the Judge of the Probate Court of Dooly County, to the board.

Effective Date: May 6, 2009

Signed by the Governor 5/6/2009

LOCAL ELECTIONS cont.

HB 678 Talbot County; board of elections and registration; create

HB 678 creates a board of elections and registration for Talbot County and to provide for its powers and duties. The bill also establishes that in the event that the four members appointed by the political parties cannot agree on a fifth member within 30 days after taking office, the members shall submit to the chief judge of the Superior Court of Talbot County a list of not more than four names of persons eligible for the position and the chief judge shall select the fifth member from the list based upon the information and qualifications of each candidate submitted by the four members appointed by the political parties. The appointing authorities shall certify the appointment of each member by filing an affidavit with the clerk of the superior court no later than 15 days preceding the date the members take office.

Effective Date: May 11, 2009, for purposes of making initial appointments to the board only. This Act shall become fully effective on January 1, 2010.

Signed by the Governor
5/6/2009

HB 686 Worth County; board of elections and registration; create

HB 686 creates a board of elections and registration for Worth County. The governing authority of Worth County shall certify the appointment of each member of the board by filing an affidavit with the clerk of the superior court no later than 15 days before the date upon which each member is to take office. Each member has the right to resign at any time by giving written notice to the governing authority of Worth County and the clerk of the superior court.

Effective Date: May 11, 2009, for purposes of making initial appointments to the board only. This Act shall become fully effective on July 1, 2009

Signed by the Governor
5/11/2009

HB 687 Henry County; Board of Elections and Registration; membership; provide

HB 687 amends the Act providing for the Henry County Board of Elections and Registration, by providing the terms for the membership of the board. Each member of the board shall be eligible to succeed themselves and have the right to resign at any time by giving written notice of his or her resignation to the appropriate appointing or electing authority and to the clerk of the superior court.

Effective Date: May 11, 2009

Signed by the Governor
5/11/2009

HB 688 Henry County; Magistrate Court; chief magistrate; provide

HB 688 provides for the election and qualification of the chief magistrate of Henry County. It establishes that the chief magistrate be elected in the same manner as the judges of the State Court of Henry County. To be eligible for election as chief magistrate, a person must: (1) Have been an active member of the State Bar of Georgia for at least seven years immediately preceding taking office; (2) Be at least 25 years of age; (3) Be a citizen and taxpayer of Henry County; and (4) Have been a resident of Henry County for at least three years immediately prior to taking office.

Effective Date: May 11, 2009

Signed by the Governor
5/11/2009



LOCAL ELECTIONS cont.

HB 711 Toombs County; board of elections and registration; create

HB 711 creates a board of elections and registration for Toombs County. Each member of the board shall be subject to removal from the board at any time for cause, after notice and hearing, by the judge of the Superior Court of Toombs County. The appointment of each member of the board shall be evidenced by the commissioners filling out an affidavit with the clerk of the superior court of Toombs County no later than 30 days after the day on which the member is appointed.

Effective Date: May 11, 2009

Signed by the Governor
5/11/2009

HB 723 Columbia County; members of board of elections; revise term limitations

HB 723 creates a board of elections for Columbia County. Each member of the board shall have the right to resign at any time by giving written notice to the clerk of superior court. Members are subject to removal at any time for cause after notice and hearing as well.

Effective Date: May 6, 2009

Signed by the Governor
5/6/2009

HB 744 Baker County; board of elections and registration; create

HB 744 provides to create a board of elections and registration for Baker County. The appointment of each member shall be made by the respective appointing authority's filing with the clerk of the Superior Court of Baker County an affidavit. The clerk of the superior courts shall also be notified of interim appointments.

Effective Date: May 6, 2009

Signed by the Governor on
5/6/2009

HB 798 Long County; board of elections and registration; create

HB 798 provides to create a board of elections and registration for Long County. The appointing authority shall certify the appointment of each member of the board by filing an affidavit with the clerk of the Superior Court of Long County no later than 15 days before the date upon which the member is to take office. Upon this Act becoming fully effective, the judge of the probate court of Long County and the board of registrars of Long County shall be relieved of all powers and duties to which the board succeeds.

Effective Date: May 11, 2009, for purposes of making initial appointments to the board only. This Act shall become fully effective on July 1, 2009.

Signed by the Governor
5/11/2009

HB 841 Butts County; joint county-municipal board of elections and registration; create

HB 841 creates the joint county-municipal board of elections and registration for Butts County. Each appointing authority shall certify the appointment of each member of the board to the clerk of the Superior Court of Butts County by filing an affidavit. A vacancy, which is not certified by the appointing authority within 30 days beginning a term of office or creating of the vacancy, the chief judge of the Superior Court of Butts County shall immediately fill that position by making the appointment and shall certify it as provided in this section.

Effective Date: May 11, 2009

Signed by the Governor
5/11/2009

LOCAL GENERAL

SB 191 Stone Mountain, City of; provide new charter; incorporation, boundaries, and powers

SB 191 provides a new charter for the City of Stone Mountain. This bill also provides for a municipal court and the judge or judges.

Effective Date: May 11, 2009. The governing authority of the City of Stone Mountain is required to submit the Act for preclearance to the United States Department of Justice or file it with the appropriate court no later than 45 days after the date on which it's approved by the Governor or otherwise becomes law without such approval.

Signed by the Governor
5/11/2009

SB 265 Public Facilities Authority of the City of Milledgeville and Baldwin County Act

This bill provides to create the Public Facilities Authority of the City of Milledgeville and Baldwin County. Any action pertaining to the validation of any revenue bonds or other obligations issued under the provisions of this Act shall be brought in the Superior Court of Baldwin County, and that court shall have exclusive original jurisdiction of such actions.

Effective Date: May 11, 2009

Signed by the Governor
5/11/2009

HB 167 Cherokee County State Court; additional judge; provide

HB 167 adds a third judge to the State Court of Cherokee County. The third judge is to be appointed by the Governor to an initial term of office continuing through December 31, 2010, and until a successor is elected and qualified. The successor will be elected on the next Tuesday following the first Monday in November, 2010. The successor will take office on the first day of January immediately following the election and shall serve until December 31, 2014, and until a successor is elected and qualified. All future successors to the judgeship will be elected at the general election immediately preceding the expiration of sitting judge's term of office and shall serve a four year term.

Effective Date: May 6, 2009

Signed by the Governor on
5/6/2009

HB 216 Cordele Judicial Circuit; superior court; change certain terms

HB 216 amends Code Section 15-6-3 of the O.C.G.A, relating to terms of superior court. This bill changes certain terms of court in the Cordele Judicial Circuit.

Ben Hill County — Second and third Mondays in January; first, second, and third Mondays in April; third and fourth Mondays in June; and third and fourth

Mondays in September and Monday following.

Crisp County — Third and fourth Mondays in February and Monday following; third and fourth Mondays in May; first, second, and third Mondays in August; and second and third Mondays in November.

Dooly County — First and second Mondays in February; fourth Monday in April and Monday following; third and fourth Mondays in July; and third and fourth Mondays in October.

Effective Date: January 1, 2010

Signed by the Governor on
5/6/2009

HB 265 Rhine, Town of; provide new charter; change name to City of Rhine; provide

HB 265 provides for a new charter for the Town of Rhine and provides for a municipal court.

Effective Date: May 6, 2009

Signed by the Governor on
5/6/2009

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LOCAL GENERAL cont.

HB 297 Garden City, City of; create new charter

HB 297 amends the Act creating a new charter for the City of Garden City. It reconstitutes the governing authority of the city. The bill states that an elected officer sought to be removed from office shall have the right of appeal from the decision of the city council to the Superior Court of Chatham County, Georgia.

Effective Date: May 6, 2009

Signed by the Governor on 5/6/2009

HB 437 Warren County; Magistrate Court; chief magistrate; provide

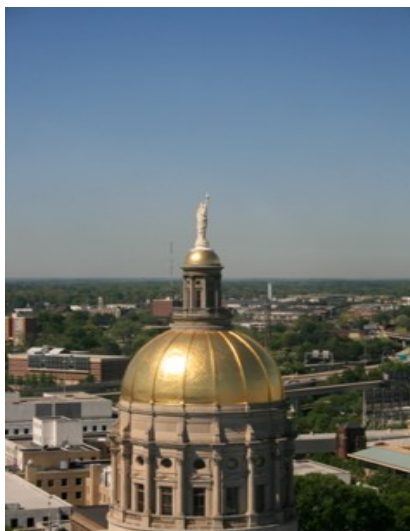
HB 437 establishes the judge of the probate court of Warren County as the chief magistrate of Warren County. The chief magistrate of the Magistrate Court of Warren County shall continue to serve as chief magistrate until the expiration of the term of office, or until the time the chief magistrate leaves office. Thereafter, the judge of the probate court of Warren County shall serve as the chief magistrate of Warren County. In the absence of state law providing the salary to be paid to the judge of the probate court of Warren County for serving as chief magistrate, the compensation of the judge of the probate court for serving as chief magistrate shall be fixed by the governing authority of

Warren County and shall be paid in equal monthly installments from funds of Warren County.

The governing authority of Warren County may provide for the appointment of a clerk of the Magistrate Court of Warren County by the chief magistrate. If the governing authority does not provide for the appointment of a clerk of the magistrate court, then the chief magistrate shall also serve as clerk of the magistrate court. The compensation of the clerk of the magistrate court, or of the chief magistrate serving as clerk, shall be fixed by the governing authority of Warren County and shall be paid in equal monthly installments from funds of Warren County.

Effective Date: May 11, 2009

Signed by the Governor on 5/11/2009



HB 502 Athens-Clarke County Unified Government; municipal courts; provisions

HB 502 amends the Act establishing the Unified Government of Athens-Clarke County, Georgia. On the effective date the operations and employees of the Municipal Court of the City of Athens shall continue as the operations and employees of a court of the Unified Government of Athens-Clarke County. The Judge of the Municipal Court of the city of Athens shall be authorized to serve as the Judge of the court. The bill also provides a method for selecting the judge and personnel of the municipal court.

Effective Date: May 6, 2009

Signed by the Governor on 5/6/2009

HB 541 Tennille, City of; provide new charter

HB 541 provides for a new charter for the City of Tennille. It establishes a municipal court and the judge or judges of the court.

Effective Date: July 1, 2009

Signed by the Governor on 5/11/2009

LOCAL GENERAL cont.

HB 553 Local Government Equipment Financing Authority Act; create

HB 553 amends Title 36 of the O.C.G.A., relating to local government. It provides for certain bonds, notes, certificates, bond anticipation notes, and other evidences of indebtedness. It states that all proceedings to validate revenue bonds of the Local Government Equipment Financing Authority be held in the Superior Court of Fulton County.

Effective Date: Upon the signature of Governor or May 14, 2009, without such approval

Vetoed by the Governor on 5/11/2008

Governor Perdue's Press Release: House Bill 553 establishes a Local Government Equipment Financing Authority and a County Government Equipment Financing Authority. These authorities would enable a mix of local governments to come together through these authorities and incur debt to finance purchases of personal property. I have concerns about increasing debt through the use of authorities when there remains an existing non authority based process for local governments to finance purchases, and, therefore, I VETO HB 553.

HB 564 Nicholson, City of; incorporation; provide

HB 564 provides for a new charter for the City of Nicholson, and for a municipal court and the judge or judges.

Effective Date: May 11, 2009

Signed by the Governor on 5/11/2009

HB 654 Douglas County; State Court; addition of second judge; delay

HB 654 temporarily delays the addition of a second judge for the State Court of Douglas County. The second judge will be added effective July 1, 2010.

Effective Date: May 6, 2009

Signed by the Governor on 5/6/2009

HB 689 Henry County; State Court; solicitor-general; provide

HB 689 amends the Act creating the State Court of Henry County. This bill provides the solicitor-general and any investigators designated by the solicitor-general, if certified as peace officers by the Georgia Peace Officer Standards and Training, with the same power as law enforcement officers of Georgia.

Effective Date: May 11, 2009

Signed by the Governor 5/11/2009

HB 721 Ochlocknee, Town of; provide new charter

HB 721 provides for a new charter for the Town of Ochlocknee. It provides for a municipal court and the judge or judges.

Effective Date: May 11, 2009

Signed by the Governor 5/11/2009

HB 724 Alto, Town of; reincorporate and provide new charter

HB 724 reincorporates and provides for a new charter for the Town of Alto, Georgia. It also establishes the Municipal Court of the Town of Alto.

Effective Date: May 6, 2009

Signed by the Governor on 5/6/2009

HB 737 Norman Park, City of; provide new charter

HB 737 provides for a new charter for the City of Norman Park in Colquitt County. It provides for a municipal court and the judge or judges.

Effective Date: May 6, 2009

Signed by the Governor on 5/6/2009

LOCAL GENERAL cont.

HB 754 - Oak Park, Town of; municipal court; provisions

HB 754 establishes the Municipal Court of the Town of Oak Park. It provides for a judge and establishes the jurisdiction, functions, practices, procedures, duties, and responsibilities of the court.

Effective Date: May 6, 2009

Signed by the Governor on
5/6/2009

HB 811 State Court of Clayton County; additional judge; provisions

HB 811 amends the Act creating the State Court of Clayton County. Effective July 1, 2009, there shall be five judges of the State Court of Clayton County. The four judges in office on July 1, 2009, shall continue to serve the terms of office to which they were elected. The fifth judge will be appointed by the Governor for an initial term of office ending December 31, 2010, and will serve until a successor is elected and qualified. Successors to the four judges in office on July 1, 2009, and successors to the fifth judge added on that date will be elected at the November general election in the year which their respective terms of office expire. They will serve office terms of four years each and until their successors are elected and qualified.

Effective Date: This Act shall become effective on July 1, 2009, except that the Governor is authorized to appoint the additional judge added by Section 1 of this Act prior to the date but any person appointed shall not take office until the effective date.

Signed by the Governor on
5/6/2009

HB 816 Ringgold, City of; provide new charter

HB 816 provides for a new charter for the City of Ringgold. It provides for a municipal court and the judge or judges.

Effective Date: May 6, 2009

Signed by the Governor on
5/6/2009

TRAFFIC

SB 196 Motor Vehicles; serious injury due to a right of way violation resulting in collision; revise penalties; provide a penalty for second offense

SB 196 amend Title 40 of the O.C.G.A., relating to motor vehicles and traffic, so as to revise penalties for causing serious injury due to a right of way violation resulting in a collision with a motorcyclist, pedestrian, bicyclist, or farmer hauling agricultural products. The driver's license of any individual, who is convicted for a second or subsequent offense within a five-year period of time,

shall be suspended for 30 days, and submitted to the court upon conviction. After the suspension period and the person pays the restoration fee of \$60.00 or when processed by mail \$50.00, the suspension shall end and the license shall be returned. Also, for a second or subsequent offense within a five-year period of time, the convicted offender is to be punished by a fine of not less than \$500.00 nor more than \$1,000.00 and imprisonment for not less than ten days nor more than 12 months. The imposed fine shall be mandatory and not be suspended or waived or conditioned upon the completion of any course or sentence. The court imposing the punishment is to forward a record of the disposition of the case to the Department of Driver Services.

SB 196 adds a \$7 charge for DUI schools. The fee for DUI Alcohol or Drug Use Risk Reduction Programs Assessments has increased from \$75 to \$82. The cost for a DUI Alcohol or Drug Use Risk Reduction Program's rebate to the state for administration has increased from \$15 to \$22. The rebate money will go to Department of Drivers' Services and 1/3 of the monies collected will go to Department of Human Resources to monitor the mandated DUI Clinical evaluations.

Effective Date: July 1, 2009

Signed by the Governor on
4/21/2009

TRAFFIC cont.

HB 57 Motor vehicles; Department of Revenue; administer the federal Unified Carrier Registration Act of 2005; designate

HB 57 amends Chapter 2 of Title 40 of the O.C.G.A. It provides that every officer, agent, or employee of any corporation, who fails to comply with any order, rule, or regulation of the Public Service Commission, Department of Public Safety, or Department of Revenue, shall be guilty of a misdemeanor. Any person who drives or operates, or cause the operation of a motor vehicle in violation of an out-of-service order shall be guilty of a misdemeanor.

Effective Date: Section 3 (motor carrier transportation contracts) of this Act shall become effective on July 1, 2009, and shall apply to contracts entered in to on or after such date. Section 4 (relating to registration and licensing of motor carriers) and Section 5 (elating to motor carrier of property permits) become effective October 1, 2009 for the purpose of adopting rules and regulations to implement the federal Unified Carrier Registration Act of 2005. The remaining sections of this Act shall are effective May 4, 2009 upon signature.

Signed by the Governor on 5/4/2009

HB 160 Driver Services, Department of; increase fees; speed restrictions; provisions

HB 160 amends Chapter 5 of Title 40 of the O.C.G.A., by increasing the fees paid to the Department of Driver Services for reinstatement or restoration of suspended or revoked drivers' licenses. The bill also amends O.C.G.A. 40-6-189, by creating a "super speeder" offense for anyone traveling 75+ mph on a two lane road or 85+ mph on a four lane road. The new offense will have an additional \$200 fine imposed by the Department of Drivers' Services within 30 days of adjudication. Failure to pay the fee imposed within 90 days after receipt of the notice shall result in the suspension of the driver's license or driving privileges of the offender, and a additional \$50.00 fee.

Effective Date: Part I (increase in fees for reinstatement or restoration of suspended or revoked drivers' licenses) shall be effective on July 1, 2009. Part II ("Super speeder" section) shall be effective on January 1, 2010.

Signed by the Governor on 5/5/2009

***See also Fines and Fees**

Study Committees

SR 57 Georgia Vulnerable Adult Study Commission; create; membership; duties

SR 57 creates a study commission to examine elderly abuse and emergency intervention. The Commission members will be appointed by the President of the Senate. The committee shall make a report of its findings and recommendations, with suggestions for proposed legislation, if any, on or before December 31, 2009. The committee shall stand abolished on December 31, 2009.

Effective Date: July 1, 2009

SR 476 Advance Directives Assessment, Planning, and Oversight; create Senate Study Committee

SR 476 creates a study committee to examine advance directives and technology to satisfy the legal, political and medical fields. In the event the committee makes a report of its findings and recommendations, with suggestions for proposed legislation, if any, the report shall be made on or before December 31, 2009, and the committee shall stand abolished on December 31, 2009.

Effective Date: July 1, 2009

Study Committees cont.

SR 506 Mental Health Continuum Care; create Senate Study Committee

SR 506 creates a study committee to examine mental health continuum care in relation to sexual exploitation among minors. In the event the committee makes a report of its findings and recommendations, with suggestions for proposed legislation, if any, the report shall be made on or before December 31, 2009, and the committee shall stand abolished on December 31, 2009.

Effective Date: July 1, 2009

SR 642 Consolidation of Services for Crime Victims; create Senate Study Committee

SR 642 creates a study committee to examine state agency services for victims of crime. In the event the committee makes a report of its findings and recommendations, with suggestions for proposed legislation, if any, the report shall be made on or before January 11, 2010. The committee shall stand abolished on January 11, 2010.

Effective Date: July 1, 2009



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